



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/526,746

12/06/2005

Michael Patrick Kinsella

KC-0136

7866

34610

7590

12/11/2007

KED & ASSOCIATES, LLP

P.O. Box 221200

Chantilly, VA 20153-1200

EXAMINER

ZAHR, ASHRAF A

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

12/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,746

Applicant(s)

KINSELLA ET AL.

Examiner

Ashraf Zahr

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/7/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-46 are pending in this application. Claims 1, 14, 29, 32, 35, 38 are independent claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18-19, 40-41 recite the limitation "input attributes" in Claims 14 and 38 respectively. There is insufficient antecedent basis for this limitation in the claim. There are attributes mention in Claims in 14 and 38, however there is no mention of them being input. This makes the claim language unclear as to whether the rendering is based upon an input attribute or an attribute already in the database.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14-16, 29-34, 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Dinan et al., US 2002/0097267 (Hereinafter, Dinan).

Regarding Claim 14, Dinan discloses, “a system for messaging comprising: a storage means for storing a plurality of records, each record comprising attributes of an individual and an identifier of said individual”. Specifically, Dinan discloses an online community where user can chat with other individuals (Dinan, ¶039). Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Dinan also discloses, “an avatar rendering and selection means for rendering an avatar using attributes stored in the storage means, and selecting a rendered avatar”. Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

Dinan also discloses, “a messaging means, for identifying an individual corresponding to the selected rendered avatar, and sending a message to the identified individual”. Specifically, to perform specific actions on another person, the user double-clicks the person's face for a drop-down menu of choices (Dinan, ¶0046). A user can also chat with another user using graphical chat bubbles (Dinan, ¶0050).

Regarding Claim 15, Dinan also discloses, “the system as claimed in claim 14 further comprising a display for displaying a rendered avatar to the user”. Specifically, Dinan discloses a display a graphical, 2.5D interactive interface (Dinan, ¶0036).

Regarding Claim 16, Dinan also discloses, “the system as claimed in claim 14, wherein the avatar rendering and selection means is adapted to receive attributes input by a user for matching and retrieving data in the storage means and render an avatar responsive to said input attributes”. Specifically, Dinan discloses a user can create his own avatar design (Dinan, ¶0047).

Regarding Claim 29, Dinan discloses, “a method of capturing attributes of individuals comprising the steps of: maintaining a database of records, each record comprising attributes of an individual and an identifier of an individual”. Specifically, Dinan discloses an online community where user can chat with other individuals (Dinan, ¶0039). Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Dinan discloses, “receiving at least one input attribute from a user and rendering an avatar, responsive to said input attributes”. Specifically, Dinan discloses a user can create his own avatar design (Dinan, ¶0047).

Regarding Claim 30, Dinan also discloses, “the method as claimed in claim 29, further comprising the step of storing the input attributes in the database”. Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 31, Dinan also discloses, “the method as claimed in claim 29, further comprising the steps of determining an identifier of the individual and storing the identifier in the database”. Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 32, Dinan discloses, “a system for capturing attributes of individuals comprising: a storage means for storing a database of a plurality of records, each record comprising attributes of an individual and an identifier of said individual”. Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Dinan also discloses, “a character engine means for receiving input attributes of an individual and rendering an avatar, responsive to said input attributes”. Specifically, Dinan discloses a user can create his own avatar design (Dinan, ¶0047).

Regarding Claim 33, Dinan also discloses, “the system as claimed in claim 32 wherein the character engine means is adapted to store the input

attributes in the database”. Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 34, Dinan also discloses, “the system as claimed in claim 32, further comprising a registration means for determining an identifier of the individual and storing the identifier in the database”. Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 38, Dinan discloses, “a system of selecting individuals comprising: a storage means for storing a plurality of records, each record comprising attributes of an individual and an identifier of said individual”. Specifically, Dinan discloses an online community where user can chat with other individuals (Dinan, ¶039). Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Dinan also discloses, “an avatar rendering and selection means for rendering an avatar using attributes stored in the storage means, and selecting a rendered avatar”. Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047). To find out the name of another person in the Square, the user holds

his mouse over the person's face 32, and the username of this person appears (Dinan, ¶0046).

Regarding Claim 39, Dinan also discloses, "the system as claimed in claim 38 further comprising a character engine means for inputting attributes of an individual and rendering an avatar responsive to said attributes is adapted to input attributes for selecting data in the storage means". Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13, 17-20, 22-28 35-37, 40-42, 44-46 are rejected under 35

U.S.C. 103(a) as being unpatentable over Dinan et al., US 2002/0097267

(Hereinafter, Dinan) in view of Swanson et al., US 2002/0106066 (Hereinafter, Swanson).

Regarding Claim 1, Dinan discloses “a method of messaging comprising the steps of: maintaining a database of records, each record comprising attributes of an individual and an identifier of said individual”. Specifically, Dinan discloses an online community where user can chat with other individuals (Dinan, ¶039). Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Dinan also discloses, “rendering at least one avatar using attributes comprised in the at least one selected record”. Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

Dinan also discloses, “selecting a rendered avatar”. Specifically, to find out the name of another person in the Square, the user holds his mouse over the person's face 32, and the username of this person appears (Dinan, ¶0046).

Dinan also discloses, “sending a message to the identified individual”. Specifically, to perform specific actions on another person, the user double-clicks the person's face for a drop-down menu of choices (Dinan, ¶0046). A user can also chat with another user using graphical chat bubbles (Dinan, ¶0050).

Dinan does not specifically disclose, “receiving at least one input attribute from a user”, “retrieving at least one record from the database in accordance with at least one input attribute”, and “identifying an individual corresponding to each selected record”. Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based

upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 2, Dinan also discloses, "a method as claimed in claim 1 comprising the additional step of rendering an avatar in response to the input attributes". Specifically, Dinan discloses a user can create his own avatar design (Dinan, ¶0047).

Regarding Claim 3, Dinan discloses, "a method of messaging comprising the steps of: maintaining a database of records", "each record comprising attributes of an individual and an identifier of said individual". Specifically, Dinan discloses an online community where user can chat with other individuals (Dinan, ¶0039). Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Dinan also discloses, "rendering an avatar responsive to the input attributes". Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

Dinan also discloses, "sending a message to the identified individual". Specifically, to perform specific actions on another person, the user double-clicks the person's face for a drop-down menu of choices (Dinan, ¶0046). A user can also chat with another user using graphical chat bubbles (Dinan, ¶0050).

Dinan does not specifically disclose, "receiving at least one input attribute from a user", "retrieving at least one record from the database in accordance with at least one input attribute", and, "identifying an individual corresponding to each retrieved record". Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 4, Dinan also discloses, "the method as claimed in claim 3 comprising the additional step of rendering at least one avatar using attributes comprised in the selected records". Specifically, members are

represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

Regarding Claim 5, Dinan also discloses, "the method as claimed in claim 4 comprising the additional step of selecting at least one of the rendered avatars". Specifically, to find out the name of another person in the Square, the user holds his mouse over the person's face 32, and the username of this person appears (Dinan, ¶0046).

Regarding Claim 6, Dinan also discloses, "the method as claimed in claim 1, wherein the step of selecting at least one of the rendered avatars is in response to a selection input by the user". Specifically, to find out the name of another person in the Square, the user holds his mouse over the person's face 32, and the username of this person appears (Dinan, ¶0046).

Regarding Claim 7, Dinan also discloses, "the method as claimed in claim 1, comprising the additional step of receiving the message from the user". Specifically, to perform specific actions on another person, the user double-clicks the person's face for a drop-down menu of choices (Dinan, ¶0046). A user can also chat with another user using graphical chat bubbles (Dinan, ¶0050).

Regarding Claim 8, Dinan also discloses, "the method as claimed in claim 1, comprising the additional step of verifying that a status of a user is such that the user is not blocked from sending a message to an identified individual". Specifically, a user can also choose never to hear another user again (Dinan, ¶0058)

Regarding Claim 9, Dinan also discloses, "the method as claimed in claim 1, comprising the additional step of determining whether a user has been assigned a status of disallowed sender to an identified individual, and preventing the rendering of an avatar corresponding to that identified individual". Specifically, a user that has been warned three times by different individuals will be kicked out of a room (Dinan, ¶0058)

Regarding Claim 10, Dinan also discloses, "the method as claimed in claim 8, wherein the step of determining a status of the user is dependent on the identity of the user and the identity of the individual". Specifically, a user can also choose never to hear another user again (Dinan, ¶0058).

Regarding Claim 11, Dinan also discloses, "the method as claimed in claim 9, wherein the status of the individual is determined using the database". Specifically, the database in Dinan provides storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 12, Dinan also discloses, "the method as claimed in claim 9, comprising the steps of storing an identifier associated with a selected record, and determining the status of the individual using the associated identifier". Specifically, the database in Dinan provides storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 13, Dinan does not specifically disclose, "the method as claimed in claim 1, wherein the input attributes comprise attributes relating to a location of an individual". Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 17, Dinan does not specifically disclose, "the system as claimed in claim 14, wherein the avatar rendering and selection means is adapted to match input attributes with records in the database and retrieve matched records". Swanson remedies this with the disclosure of members may

search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 18, Dinan does not specifically disclose, "the system as claimed in claim 14, wherein the input attributes relate to the location of an individual". Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 19, Dinan discloses, “the system as claimed in claim 14, wherein the input attributes include details of an individual's physical appearance”. Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 20, Dinan and Swanson do not specifically disclose, “the system as claimed in claim 19 wherein the details of the individual's physical appearance are selected from a list of head shapes, eye colours, eyelid states, mouth types, hairstyles, hair colours, skin colours, breast size, belly size and clothing”. Specifically, Dinan discloses the user creates his own face using a tool that allows him to pick face parts out of his inventory and place it on his face as he sees (Dinan, ¶0047).

Regarding Claim 22, Dinan does not specifically disclose, “the system as claimed in claim 14, wherein the attributes of an individual include details of the

individual's behaviour". Swanson remedies this with the disclosure of, at step 118, members may select one or more personal or demographic parameters, e.g., such as member profile data included in the member database, to limit members from whom they will accept call requests. These parameters may be based upon sex, age, race, sexual orientation, marital status, habits (e.g., smoker v. non-smoker), interests, hobbies, and the like. For example, as shown in FIG. 3, a member may select only to receive call requests from men who are non-smokers. In addition, members may select geographic acceptance regions, e.g., within a predetermined geographic proximity to where they live, specific cities, counties, states, countries, and the like. It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 23, Dinan does not specifically disclose, "the system as claimed in claim 22 wherein the details of the individual's behaviour are selected from a list comprising: smoking preference, drink preference, musical preference, and interests". Swanson remedies this with the disclosure of, at step 118, members may select one or more personal or demographic parameters, e.g., such as member profile data included in the member

database, to limit members from whom they will accept call requests. These parameters may be based upon sex, age, race, sexual orientation, marital status, habits (e.g., smoker v. non-smoker), interests, hobbies, and the like. For example, as shown in FIG. 3, a member may select only to receive call requests from men who are non-smokers. In addition, members may select geographic acceptance regions, e.g., within a predetermined geographic proximity to where they live, specific cities, counties, states, countries, and the like. It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 24, Dinan also discloses, “the system as claimed in claim 14, wherein the avatar rendering and selection means is further adapted to verify that a status of a user is such that the user is not blocked from sending a message to an identified individual”. Specifically, a user can also choose never to hear another user again (Dinan, ¶0058)

Regarding Claim 25, Dinan also discloses, “the system as claimed in claim 14, wherein the avatar rendering and selection means is further adapted to determine whether a user has been assigned a status of disallowed sender to

an identified individual, and prevent the rendering of an avatar corresponding to that identified individual". Specifically, a user that has been warned three times by different individuals will be kicked out of a room (Dinan, ¶0058)

Regarding Claim 26, Dinan also discloses, "the system as claimed in claim 14, wherein the avatar rendering and selection means is further adapted to determine the status of the individual using the database". Specifically, the database in Dinan provides storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 27, Dinan also discloses, "the system as claimed in claim 14, wherein the avatar rendering and selection means is adapted to store an identifier associated with a selected record, and the status of the individual is determined using the associated identifier".

Regarding Claim 28, Dinan also discloses, "the system as claimed in claim 14, further comprising a graphical user interface that includes an output rendered avatar which is configured to input attributes to the storage means". Specifically, the database in Dinan provides storage of user identification, specifications, and creations (Dinan, ¶0040).

Regarding Claim 35, Dinan discloses, "a method of selecting individuals comprising the steps of: maintaining a database of records, each record

comprising attributes of an individual and an identifier of said individual". Dinan also discloses a database 21, which provides persistent storage of user identification, specifications, and creations (Dinan, ¶0040).

Dinan also discloses, "rendering at least one avatar using attributes comprised in the at least one selected record". Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

Dinan also discloses, "selecting a rendered avatar". Specifically, to find out the name of another person in the Square, the user holds his mouse over the person's face 32, and the username of this person appears (Dinan, ¶0046).

Dinan does not specifically disclose, "receiving at least one input attribute from a user, retrieving at least one record from the database in accordance with at least one input attribute". Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 36, Dinan also discloses, “the method as claimed in claim 35 comprising the additional step of rendering an avatar in response to the input attributes”. Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

Regarding Claim 37, Dinan does not specifically disclose, “the method as claimed in claim 35, wherein the input attributes relate to the location of a user”. Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 40, Dinan does not specifically disclose, “the system as claimed in claim 38, wherein the input attributes relate to the location of an individual”. Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson,

¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 41, Dinan does not specifically disclose, "the system as claimed in claim 38, wherein the input attributes include details of an individual's physical appearance". Swanson remedies this with the disclosure of members may search the member database for other members to contact, e.g., based upon common interests, geographic location, physical appearance, and the like (Swanson, ¶0003). It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 42, Dinan discloses, "the system as claimed in claim 41 wherein the details of the individual's physical appearance are selected from a

list of head shapes, eye colours, eyelid states, mouth types, hairstyles, hair colours, skin colours, breast size, belly size and clothing. Specifically, Dinan discloses the user creates his own face using a tool that allows him to pick face parts out of his inventory and place it on his face as he sees (Dinan, ¶0047).

Regarding Claim 44, Dinan does not specifically disclose, “the system as claimed in claim 38, wherein the attributes of in individual include details of the individual's behaviour”. Swanson remedies this with the disclosure of, at step 118, members may select one or more personal or demographic parameters, e.g., such as member profile data included in the member database, to limit members from whom they will accept call requests. These parameters may be based upon sex, age, race, sexual orientation, marital status, habits (e.g., smoker v. non-smoker), interests, hobbies, and the like. For example, as shown in FIG. 3, a member may select only to receive call requests from men who are non-smokers. In addition, members may select geographic acceptance regions, e.g., within a predetermined geographic proximity to where they live, specific cities, counties, states, countries, and the like. It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 45, Dinan does not specifically disclose, “the system as claimed in claim 44 wherein the details of the individual's behaviour are selected from a list comprising: smoking preference, drink preference, musical preference, and interests”. Swanson remedies this with the disclosure of, at step 118, members may select one or more personal or demographic parameters, e.g., such as member profile data included in the member database, to limit members from whom they will accept call requests. These parameters may be based upon sex, age, race, sexual orientation, marital status, habits (e.g., smoker v. non-smoker), interests, hobbies, and the like. For example, as shown in FIG. 3, a member may select only to receive call requests from men who are non-smokers. In addition, members may select geographic acceptance regions, e.g., within a predetermined geographic proximity to where they live, specific cities, counties, states, countries, and the like. It would be obvious to one of ordinary skill in the art at the time of the invention to include the search feature described in Swanson in the online community of Dinan. The motivation to do so would be to allow a first member that has found a second member of interest to him/her, the first member may want to initiate contact with the second member in a manner that protects his/her privacy until the members become better acquainted with one another (Swanson, ¶0003).

Regarding Claim 46, Dinan also discloses, “the system as claimed in claim 38, further comprising using a graphical user interface that includes an

output rendered avatar which is configured to input attributes into the storage means". Specifically, members are represented in each scene/room of the town by their own unique faces designed by users themselves (Dinan, ¶0047).

8. Claims 21, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al., US 2002/0097267 (Hereinafter, Dinan) in view of Swanson et al., US 2002/0106066 (Hereinafter, Swanson) and in further view of Farmer et al., US 6,476,830 et al., (Hereinafter, Farmer).

Regarding Claim 21, Dinan and Swanson do not specifically disclose, "the system as claimed in claim 20 wherein the clothing is selected from a list comprising: top style, top colour, bottom style, bottom colour, shoe type and shoe colour". Farmer remedies this with the disclosure of n avatar can change its skin color, the color of the clothes on its upper torso, and the color of the clothes on its lower torso using a spray paint can object (Farmer, col 19, ln 30-38). It would be obvious to one of ordinary skill in the art to add allow clothing to be selected for the avatar. The motivation to do so would be to allow the user to customize avatar to a greater degree.

Regarding Claim 43, Dinan and Swanson do not specifically disclose, "the system as claimed in claim 42 wherein the clothing is selected from a list comprising: top style, top colour, bottom style, bottom colour, shoe type and shoe colour". Farmer remedies this with the disclosure of n avatar can change

its skin color, the color of the clothes on its upper torso, and the color of the clothes on its lower torso using a spray paint can object (Farmer, col 19, In 30-38). It would be obvious to one of ordinary skill in the art to add allow clothing to be selected for the avatar. The motivation to do so would be to allow the user to customize avatar to a greater degree.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liles et al., US 5,880,731: Use of Avatars with Automatic Gesturing and Bounded Interaction in On-Line Chat Session

Neven et al., US 6,948,131: Communication System and Method Including Rich Media Tools

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashraf Zahr whose telephone number is 571-270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax

Application/Control Number:
10/526,746
Art Unit: 2179

Page 26

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ
11/30/2007

BA HUYNH
PRIMARY EXAMINER